

ANDOVER BOARD OF HEALTH
Minutes
July 15, 2013, 6:00 P.M.
CD&P First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Katherine Kellman, Vice-Chairman, Dr. Gopala K. Dwarakanath, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **June 10, 2013**

Motion by Ms. Martin, seconded by Ms. Kellman to approve the Minutes of June 10, 2013 with the following correction:

- *On page 4, under • 6:45 p.m. – Stephanie Auchterlonie and Mark Stout for Mess Haul Mobile Food – Request for Variance to Mobile Food Service Requirements – ninth sentence, change “There will only be one trip there daily and they would unload produce about the same time a restaurant would.” to “There will only be one trip there daily and they would unload produce **in** about the same time **as** a restaurant would.”*

Unanimous approval.

II. Appointments & Hearings

- **6:00 p.m. – Xiaolin Hou and Yan Lin for 26 Orchard Crossing – Appeal of ORDER to Connect to Sewer (Continued) and ORDER of Condemnation** – Ms. Martin stated that the Board asked for an update in June, with the intent to have the sewer connected by July 15, 2013. Mr. Carbone sent them a notice, and the homeowners submitted a letter stating the work will be done by the next week. Mr. Carbone stated that at the last Board of Health meeting the Board asked him to prepare a Condemnation ORDER if the work was not completed by July 15, 2013. After that Mr. Carbone received a letter saying the homeowners couldn’t find a Drain Layer they could afford, but added at the end of the letter that they were able to get James Boraczek to do the sewer connection. They stated that the work should be done by the week of July 21, 2013. Mr. Carbone called Mr. Boraczek and was informed that a contract had been signed and the work would be done next Tuesday or Wednesday. No permit has been taken out yet, but Mr. Carbone expects that permit to be pulled next week.

Motion by Ms. Martin to close the Appeal Hearing, seconded by Ms. Kellman. Unanimous approval.

Motion by Ms. Martin, seconded by Dr. Dwarakanath, to uphold the Director's original ORDER to connect to sewer, which was dated April 24, 2013, and to require connection by July 29, 2013. The Director is authorized to seek legal action to enforce this decision. Unanimous approval.

Ms. Martin opened the Hearing to consider the Condemnation ORDER that was discussed at the last Board of Health Meeting.

Motion by Ms. Martin, seconded by Ms. Kellman, to take no action at this time, and to continue the Hearing until the August 12, 2013 Board of Health Meeting. Unanimous approval.

- **6:15 p.m. Stephen Stapinski for Ferry Crossing Subdivision – Request for Sewer Forcemain Special Permit (Continued)** - Present was Stephen Stapinski, Merrimack Engineering. Mr. Carbone explained that the only change that has been made has been that they intend to maintain the three separate forcemains on each side. Within the subdivision plans they have given us a detail on sleeving the forcemains as they cross the water services. Mr. Carbone recommended the Board approve the Special Permit with those conditions as detailed in the Agenda packet. The Definitive Plan revision date would be 6/25/13, which is stated in section 1G of the special permit (pg. 9B). 1G will read “Definitive Plan, Ferry Crossing Cluster Subdivision, 13 pages dated May 7, 2013, revised June 25, 2013.” 1A through 1F would not be revised at all.

Motion by Ms. Martin, seconded by Ms. Kellman to approve the draft of the Ferry Crossing Subdivision Board of Health Sewer Forcemain Special Permit dated June 12, 2013 with the correction of 1G on the date for the revision of the Definitive Plan to 6/25/2013. Unanimous approval.

- **6:20 PM – Iverson Guo for Karma Restaurant, 209 North Main Street – Variance to Allow Acidification of Rice in Lieu of Time and Temperature Requirements** – Mr. Carbone stated that the Karma restaurant will be opening at Shawsheen Plaza and has asked for this Variance. Mr. Carbone explained that the vinegar in sushi rice is used for the acidification of the rice, not just for flavoring. Mr. Guo thought they would be required to use a ph meter instead of ph paper, but Mr. Carbone informed him that the use of the ph paper was fine to use. A ph meter has to be calibrated, so it is easier to use the ph paper. Dr. Dwarakanath asked how frequently laboratory testing has to be done. Mr. Carbone replied that the testing has to be done at least once a year at a certified lab to make sure the ph of the sushi rice is correct. The recipe hasn't changed; the target is 4.4. A problem at this time for us as a department is that we do not have a ph meter for testing, so Mr. Carbone is considering investing in one or getting our own ph strips so we can cross check the ph level of the sushi rice. Mr. Carbone explained that using the process of acidification of rice is becoming commonplace, and that the Board has given Variances to several restaurants in the Town of Andover, so it has become easier now to review these requests.

Motion by Ms. Martin, seconded by Dr. Dwarakanath, to approve the Variance to allow Acidification of Rice in Lieu of Time and Temperature Requirements with the following conditions:

- 1. Acidified rice not used by the end of the day shall be discarded; no acidified rice shall be held overnight.*
- 2. Laboratory testing of the rice processed at the Karma Restaurant, Andover location, shall be tested in a certified laboratory at least once per year, using chain of custody forms.*

Unanimous approval.

- **Variance Request for 50 Bartlet St. - Allow a Sewer Pump and Forcemain on Municipal Property to Serve Andover Youth Center** – Mr. Carbone explained that the first thing that has to happen before the construction of the Youth Center is the rebuilding of the approaches around the building. While that is opened, they want to get the sewer line laid. After review with the Town Engineer, Brian Moore, and Design Engineers, they decided that the best way is to run the sewer line to Bartlet St. We will need a Variance to our local sewer regulations. If we gravity feed it, there would only be a 1% slope, where our Sewer Regulations require a 2% slope. Since there will not be a lot of flow, Mr. Carbone and Mr. Moore are worried that there would be clogs and maintenance problems with having such a shallow slope, therefore a pump is recommended. However, the Town does not normally approve of the use of pumps on municipal property per our local regulations, which are written so that we always have gravity feed lines on public properties, but allows the use of pumps on private properties. The regulations were written this way to make sure that developments would not put pumps on Town property for residential use. Dr. Dwarakanath asked why the Youth Center cannot have a 2% grade and Mr. Carbone explained that the sewer line is such a long run, that we cannot do a 2% grade because we would have to raise the grade a couple of feet behind the building to get the proper cover.

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Variance to Regulation 6.01b of the Sewer Regulations to allow the Andover Youth Center to be served by a sewer pump and associated forcemain. Unanimous approval.

III. Discussion

- **Undergrad Intern for the Summer (not on Agenda)** – Mr. Carbone informed the Board that we have an Undergrad Intern for the Summer, Christine McNaughton, working with the Health Division. Mr. Carbone would like to have the Board meet her at the August 12, 2013 Board of Health Meeting. She has gone on camp, food, and septic system inspections with the Health Agents, joined Mr. Carbone in court, and has been working on some small projects. She also has been working on finishing up some programs that were started by other Interns such as Andover in Motion. She has finished up that project and Mr. Carbone is waiting for one minor fix and then will issue a Press Release informing people that they can go on the website and look up different walkways that are available in Town. There will be a link to Avis

property and Conservation Commission trails, as well as historical society and architectural walks.

She will also be working with Karen Martin at the water treatment plant on watershed protection flyers. Once those are done, we will be doing a direct mailing to all the abutters to Haggetts Pond, with specific information about septic systems, yard fertilizer and how they can affect the water quality. Ms. McNaughton has also been working with the Conservation Commission on getting some grants completed. On the outside bulletin board she created a display concerning tick and sun protection and worked on a display for the library with our Public Health Nurse, Jane Morrissey.

The next project is for Ms. McNaughton to do a study and get information out concerning mercury in fish with concerns about restrictions in consumption; especially for pregnant women. She will be going to fishing areas to make sure appropriate signs are posted. Ms. Kellman stated that she likes that Ms. McNaughton is working on small projects that were not completed and finishing them up. Mr. Carbone stated that she is a hard worker and is very conscientious. She is thinking of studying epidemiology or Public Health Nursing, so she will be getting out with the nurses to some of the clinics also.

- **Elimination of the City of Methuen Health Director Position (not on Agenda)** – Mr. Carbone informed the Board that the City of Methuen eliminated the position of Health Director from their budget and cut back the hours of the Public Health Nurse. As of July 1, 2013, there is no funding for Health Director, Brian LaGrasse. Not directly affecting the Town of Andover, but of concern to Methuen, Haverhill & Lawrence, is a shared services agreement funded by a state grant. The grant was allowed as long as they maintained level funding or services for the Health Departments, and the State has already said that there is a good chance the three cities will lose the grant. Out of the three cities, Methuen was the only one who had a Health Director and he could have been shared with Haverhill and Lawrence if things led to a regional Health Department. The grant also allowed money to hire a Public Health Nurse to work in all three cities because they are understaffed in that area. Mr. Carbone has concerns that the three cities will have difficulty in emergency situations.

Unfortunately, this affects the Town of Andover in a couple of ways. We partner with Methuen for our regional grants. We have our Emergency Preparedness Grant which requires a monthly meeting to be attended by someone from each of the communities to participate in our drills to prepare us as a region for a medical surge, biological issues, or pandemic flu outbreak. Without Mr. LaGrasse, Mr. Carbone believes that there is no one from Methuen who can come to the meetings or understand the process. The Public Health Nurse probably will not have the time to attend since her hours were cut from 35 to 20. We also have quarterly meetings with the Medical Reserve Corp. Mr. Carbone is least worried about the Regional Tobacco Control Program because it is run by Mr. Ron Beauregard who will just have to get a list of

tobacco holders in Methuen. We try to hold at least two regional meetings a year with our partners to make sure that the program is doing what they want it to do.

Mr. Carbone felt that Mr. LaGrasse is a well qualified and respected Director, so we are losing a very strong partner. Dr. Dwarakanath asked if the Boards of Health in Andover and North Andover could send a petition saying how it will affect us. Mr. Carbone replied that he has already done that indirectly. He put together an e-mail showing what the effects will be because of that decision. In the e-mail Mr. Carbone stated that the City of Methuen has a commitment to other communities and he is worried about the effect this will have on those communities. Mr. Carbone knows that Mr. LaGrasse sent the e-mail to the Methuen Board of Health, with the goal that this was going to be a help for the Board of Health to take to City Council. Ms. Wendy Adams, Emergency Planner, and Mr. Ron Beauregard, Tobacco Control Director, attended the Methuen City Council Meeting on Wednesday, but that did not go well. Some of the people from the State spoke about Methuen's commitments and responsibilities. The Chair of the Board of Health handed the City Council a Cease and Desist Order demanding they restore the funding for the Health Director position to protect the public. The City Council did not reinstate the Health Director position.

- **Change in Request for Variance to Mobile Food Service Requirements for Mess Haul (not on Agenda)** – Mr. Carbone informed the Board that Mess Haul (a mobile food truck) will be parting ways with Greater Lawrence Tech, where it was basing operations from. They are working on finding another location and will not be running the truck until this issue is resolved. After they find a new location, Mr. Carbone will do a review and poll the Board if they need the same type of Variance at a different location.

IV. Old Business

- **Update on new ViewPermit Permitting System (not on Agenda)** – Ms. Martin asked Denise Paul, Administrative Assistant, how the new permitting software system was working. Ms. Paul stated that the ViewPoint people have been fixing problems a little quicker now. A lot of the help has also come from our new Consultant who acts as a liaison between us and the ViewPoint tech support. He has been very quick to fix some of our issues that come up as well as some that had not been fixed in the past. The program does have its good points, but there are still some issues that we come across. We have not been able to do permitting on-line yet because there are some issues there as well. There are some good points about the system, but Ms. Paul did find the processing to be very slow. Ms. Martin asked if the system was web-based, and Mr. Carbone replied that it was and that ViewPoint hosts the server. The other day when we had an issue with not being able to run reports, they were very responsive and got the problem fixed in a timely manner. Ms. Paul stated that the old permitting system is only in use by Conservation, Planning and Zoning because there is no module for them on the ViewPermit system at this time, although that is being worked on. Mr. Carbone stated that we are still not 100% up and running and before we can do our renewals on-line next year, the problems in the Building Division on-

line system have to be resolved. Ms. Paul handles all the deposits by running a report the next morning, balancing the figures, and sending the report up to the Treasurer's Office. We are adding a new element to this by allowing people to go on-line to get their permits by using PayPal which also charges a fee for its use. PayPal accounts will go into a different town account that also has to be balanced. The goal has always been that the customer be the one to pay the fee for the convenience of not having to come into the office to pull a permit.

V. Definitive Subdivision Plans

- N/A

VI. Plan Review

- **DWRP – Variances/Local Upgrade Approval**
 - N/A

VII. Staff Reports

A. Director's Reports:

- **Important Dates:**
 - August 12, 2013, at 6 p.m. – Board of Health Meeting
 - September 16, 2013 at 6 p.m. – Board of Health Meeting

B. Nurses' Reports for June, 2013 – The Nurses' Reports for June, 2013, were for informational purposes only.

C. Inspectors' Reports for June, 2013 – The Inspectors' Reports for June, 2013 were for informational purposes only.

VIII. Board Member Reports

- N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 6:54 p.m. Unanimous approval.